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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,037	10/10/2001	Motomu Toriyama	P21336	5057

7055 7590 06/24/2004

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EXAMINER	
ENATSKY, AARON L	
ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/973,037	TORIYAMA ET AL.	
	Examiner	Art Unit	
	Aaron L Enatsky	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2004* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment on 03/24/04. Prior art rejections are being maintained for the reasons set forth below in the Response to Arguments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,971,856 to Aoyama et al. ("Aoyama") in view of US 5,778,395 to Whiting et al. ("Whiting"). Aoyama teaches saving player game data as game progress advances, in a memory card, allowing a player to return to saved game location (1:12-28). Thus the saved game data on a memory card would be read into a main memory when the player decides to access the saved game data. Aoyama does not teach the specific requirements of comparing new data to be saved with existing stored game data. Whiting teaches a common technique used when saving computer data. This technique is taught as comparing existing data to new data to be saved, where only new data different from the old, stored data will be copied (Claim 1). This technique is employed to reduce the time needed to save data, where one would be motivated use the data writing technique taught by Whiting to reduce data writing time. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aoyama to use the data writing technique taught by Whiting to increase data writing speed and efficiency.

Aoyama in view of Whiting teaches the limitation as discussed above, but also does not specifically detail the data type saved to a memory card as "translation dictionary data", "interrupted-game data", or "character data". However, Aoyama in view of Whiting teaches saving game state data, which would encompass all necessary data used by game to define game state. Additionally, absence a showing of criticality, the translation dictionary data is considered analogous game state data taught by Aoyama in view of Whiting. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to save translation dictionary data in the memory card to insure game state recovery.

Response to Arguments

Applicant's arguments filed 3/24/04 have been fully considered but they are not persuasive. Applicant has amended claims to include the features of interrupted-game data, and character data. Applicant has also added "comparing *only* each *piece* of acquired information", the new language emphasized in italics. Per the first features, Examiner previouly stated that the specific type of data saved in the memory card was not critically different and still maintains that Aoyama in view of Whiting teach saving game state data, which can encompass all necessary data used in the game. The data "translation dictionary data", "interrupted-game data", and "character data" are all considered game state data that would be saved in the memory to preserve game progress. Furthermore, Applicant requires that acquired information is saved, and Examiner does not see any distinguishing features of "acquired" information from "interrupted-game data", and "character data". Examiner believes the data are all acquired game data, thus game state data. Thus, the second feature, of comparing only certain data types is moot, since the

requirement, as interpreted by Examiner, is comparing all game state data. Thus, the rejection is maintained.

Examiner also would like to point out to Applicant has cited an example of an imaginary case of which the invention applies (Remarks, Pg 6, 3rd paragraph). Examiner believes that arguments should be based on facts rather than a fictional case, which is not currently claimed.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,623,360 teaches saving wireless game state information for tracking game progress.

US 6,475,084 teaches saving game state information.

US 5,273,294 teaches saving only new game state information.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8-6 M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALE

JOHN M. HOTALING, II
PRIMARY EXAMINER